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Crl.R.C.No.127 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27/1/2025

C O R A M

**THE HONOURABLE Mr. JUSTICE SUNDER MOHAN**

**CRL.R.C. NO. 127 of 2025**

Rekha Devi

...

Petitioner

Vs

State  
rep by The Inspector of Police  
Mallasamudram Police Station  
Tiruchengode District.

...

Respondent

Prayer: Petition filed under Section 438 r/w. 442 of BNSS Act to set aside the order dated 25/11/2024 made in Crl.M.P.No.339 of 2024 in Crime No.155 of 2024 on the file of the Judicial Magistrate, Tiruchengode.

For petitioner ...

Mr.P.M.Jayachandran

For respondents ...

Mr.S.Udayakumar  
Government Advocate  
(Criminal Side).

- - - - -

**ORDER**



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This Criminal Revision Case challenges the dismissal of the petitioner's application filed under Section 497 of BNSS seeking return of vehicle, viz., VITARA BREZZA VXI bearing registration No.KA-04-NA-7773.

2. A First Information Report was registered in Crime No.155 of 2024 under Section 24 (1) of COTPA 2003 and 123 of BNS, against one Saif Ullah for possession of banned tobacco. During the course of investigation, vehicle which belongs to the petitioner was seized as the said accused has used the vehicle to transport the contraband. The petitioner sought for return of the vehicle stating that the vehicle is kept idle at the Police Station since 15/9/2023 and is subjected to vagaries of weather, thereby diminishing its value. The trial Court dismissed the said petition on the ground that if the vehicle is returned, accused would commit similar offence.

3. The learned counsel for the petitioner would submit that the petitioner is not an accused; that her driver is only an accused and that the vehicle was not involved in any previous cases and no confiscation proceedings have been initiated so far.



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4. The learned Government Advocate (Criminal Side) on instructions submitted that the vehicle is not involved in any previous case; that confiscation proceedings have not been initiated so far.

5. In the light of the above submissions, since the vehicle cannot be kept idle at the Police Station for a long time, this Court is of the view that interim custody can be handed over to the petitioner on stringent conditions.

(i). The petitioner shall execute a bond for a sum of Rs.2,00,000/- (Rupees Two lakhs only) with two sureties to the satisfaction of the learned Judicial Magistrate, Tiruchengode;

(ii)The petitioner shall produce the original RC Book along with self attested photostat copy of RC Book of the vehicle and other relevant records to prove her ownership. The learned Principal Special Judge shall peruse the RC book and other records, retain xerox copy of the same and return the original RC book to the petitioner;



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(iii)The petitioner shall not alter or alienate the

vehicle in any manner till adjudication is over;

(iv)The petitioner shall also give an undertaking that she will produce the vehicle as and when required by the respondent and by the court below.

(v) The return of property would be subject to the result of the confiscation proceedings, if any.

6. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 25/11/2024 passed by the learned Judicial Magistrate, Tiruchengode, in Crl.M.P.No.339 of 2024 in Crime No.155 of 2024 is set aside.

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mvs.

Index: Yes/No

Neutral Citation: Yes/No



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- To
1. The Judicial Magistrate, Tiruchengode.
  2. The Inspector of Police  
Mallasamudram Police Station  
Tiruchengode District.
  3. The Public Prosecutor,  
High Court, Madras.



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SUNDER MOHAN, J

mvs.

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